HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.6958 of 1999

Date: 13-07-2006

Between :

K. Venkata Subba Reddy

… Petitioner/s

and

Government of A.P., rep.by its
Secretary to Government,
Irrigation & Command Area Development Department,
Secretariat, Hyderabad and others.

…Respondent/s

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O R D E R :

This writ petition is filed seeking Mandamus declaring the proceedings No.CE(P)/SRBC/DCE-3/DEE2/AEE4/4439/Tenders/Vol.III, dated 10-8-1998 issued by the third respondent and consequential cancellation orders in letter No.ENC.ADM/TC.3/8620/98, dated 2-9-1998 issued by the second respondent as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation.

Under the impugned order dated 10-8-1998, the Chief Engineer (Projects), Neelam Sanjeeva Reddy Sagar (NSRS) Project, Hyderabad, decided to blacklist the Special Class Contractor in terms of the powers delegated in para-8 of G.O.Ms.No.521, dated 10-12-1984. Consequently, the Engineer-in-Chief (Admn.Wing), Irrigation and CAD Department, has sent a communication dated 2-9-1998 informing the petitioner that he has been blacklisted, therefore, his registration with the Department as Class-I Contractor has been cancelled.

The impugned order dated 10-8-1998 or the consequential order dated 2-9-1998 does not indicate as to any notice of any kind has been issued to the petitioner before taking a decision to blacklist him as a Special Class Contractor. In fact, even after passing the impugned order, the petitioner made a representation dated 18-2-1999 stating that he had completed all the works in various

Governmental Departments in Andhra Pradesh within the stipulated period as per the agreements and while enclosing the said list of such works, he requested the Chief Engineer to reconsider the matter and take a decision. It seems, in spite of the fact that a representation has been made by the petitioner, the same was not considered and the impugned orders were given effect to. Though a counter is filed, it does not indicate that any notice has been served on the petitioner.

In view of the above, I am of the considered opinion that the impugned orders passed are in gross violation of the principles of natural justice. Therefore, the impugned orders are liable to be set aside and accordingly set aside. The respondents are at liberty to take appropriate action after putting the petitioner on notice and hearing him. In such a case, the representation dated 18-2-1999 filed by the petitioner shall also be taken into consideration for the purpose of arriving a decision.

The writ petition is accordingly allowed. No costs.

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(C.V. RAMULU, J)

13-07-2006.
Msr.

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(Msr)